

MAY 05 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Computer III Remand Proceedings:)
Bell Operating Company Safeguards)
and Tier 1 Local Exchange Company)
Safeguards)

CC Docket No. 90-623

Application of Open Network)
Architecture and)
Nondiscrimination Safeguards)
to GTE Corporation)

CC Docket No. 92-256

COMMENTS OF ROCHESTER
TELEPHONE CORPORATION

Rochester Telephone Corporation ("Rochester") submits these comments in response to the Commission's March 10, 1994, Public Notice regarding proposed modifications to the Commission's customer proprietary network information ("CPNI") rules.^{1/} The Commission requests comment on whether it: (a) should extend the current rules that apply to the Bell companies and GTE to the remaining exchange carriers; and (b)

^{1/} Public Notice, Additional Comment Sought on Rules Governing Telephone Companies' Use of Customer Proprietary Network Information, FCC 94-63 (March 10, 1994) ("CPNI Public Notice").

By Order dated April 14, 1994, the Bureau extended the time for filing comments to May 5, 1994. Computer III Remand Proceedings: Bell Operating Company Safeguards and Tier 1 Local Exchange Company Safeguards, CC Dkt. 90-623, Order, DA 94-331 (April 14, 1994).

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should modify those rules to take into account certain privacy concerns.^{2/} The Commission should decline to take either step.

First, when the Commission adopted its CPNI rules, it concluded that the costs of applying those rules wholesale to exchange carriers other than the Bell companies would outweigh any benefits that could be obtained thereby.^{3/} Although the Commission subsequently decided to extend those rules to GTE,^{4/} the basis for its conclusion not impose similar requirements on smaller exchange carriers remains valid. As United and Centel observe, their operations are orders of magnitude smaller than those of any of the Bell companies or GTE.^{5/} Rochester's exchange operations are even smaller. The Rochester, New York, operating company serves essentially one, mid-sized metropolitan area and Rochester's Tier 2 subsidiaries

^{2/} CPNI Public Notice at 2.

^{3/} Amendment of Section 64.702 of the Commission's Rules and Regulations, CC Dkt. 85-229, Report and Order, 2 FCC Rcd. 3072, ¶ 204 (1987).

^{4/} Application of Open Network Architecture and Nondiscrimination Rules to GTE Corporation, CC Dkt. 92-256, Report and Order, FCC 94-58 (April 4, 1994).

^{5/} United and Centel at 6-7.

serve much smaller, mostly rural areas.^{6/} Thus, the reasons that caused the Commission to apply its CPNI rules only to the Bell companies and GTE remain equally valid today.

Second, the Commission should not modify its CPNI rules to address privacy concerns. The Commission designed its CPNI rules to address competitive, not privacy, considerations.^{7/} More importantly, the Commission's proposal is a solution in search of a problem. Rochester, which is not subject to the Commission's CPNI rules,^{8/} has not received any complaints regarding its use of CPNI. Thus, experience over the past several years provides no basis for the Commission to modify its CPNI requirements to address supposed privacy concerns.

^{6/} The Rochester, New York, operating company serves approximately 500,000 access lines and its Tier 2 subsidiaries, in the aggregate, serve approximately 400,000 access lines. This figure is substantially less than the 5.8 million access lines served by United and Centel and less than one-twelfth the number of access lines served by Southwestern Bell, the Bell company that serves the fewest number of access lines.

^{7/} USTA at 2-4.

^{8/} Rochester is subject -- for intrastate purposes -- to CPNI rules promulgated by the New York Public Service Commission.

For the foregoing reasons, the Commission should act upon the proposals contained in the CPNI Public Notice in the manner suggested herein.

Respectfully submitted,

Michael J. Shortley, III
Michael J. Shortley, III

Attorney for Rochester
Telephone Corporation

180 South Clinton Avenue
Rochester, New York 14646
(716) 777-1028

May 4, 1994

(2997K)

Certificate of Service

I hereby certify that, on this 4th day of May, 1993, copies of the foregoing Comments of Rochester Telephone Corporation were served by first-class mail, postage prepaid, upon the parties on the attached service list.

Michael J. Shortley, III
Michael J. Shortley, III

Robert B. Kelly
Douglas L. Povich
KELLY, HUNTER, MOW & POVICH, PC
1133 Connecticut Avenue, NW
Washington, DC 20036
Counsel for Advanced Mobilecomm Technologies, Inc.
Digital Spread Spectrum Technologies, Inc.

John L. Bartlett
Robert J. Butler
Ilene T. Weinreich
WILEY, REIN & FIELDING
1776 K Street, NW
Washington, DC 20006
Counsel for Aeronautical Radio, Inc.

Richard M. Tettelbaum
Gurman, Kurtis, Blask & Freedman, Chartered
1400 16th Street, NW, Suite 500
Washington, DC 20036
Counsel for Allcity Paging, Inc.

Wayne V. Black
Tamara Y. David
Keller and Heckman
1001 G Street, NW, Suite 500 West
Washington, DC 20001
Counsel for the American Petroleum Institute

Alan R. Shark
American Mobile Telecommunications Assoc, Inc.
1835 K Street, NW, Suite 203
Washington, DC 20006

Elizabeth R. Sachs
Lukas, McGowan, Nace & Gutierrez
1819 H Street, NW, Suite 700
Washington, DC 20006
Counsel for American Mobile Telecommunications Assoc, Inc.

JoAnne G. Bloom
Frank Michael Panek
Ameritech
2000 W. Ameritech Center Drive
Hoffman Estates, IL 60195

Lon C. Levin
AMSC Subsidiary Corporation
10802 Park Ridge Boulevard
Reston, VA 22091

Bruce D. Jacobs
Glenn S. Richards
Fisher, Wayland, Cooper and Leader
2001 Pennsylvania Avenue, NW, Suite 400
Washington, DC 20006-1851
Counsel for AMSC Subsidiary Corp.

Carl W. Northrop
Bryan Cave
700 13th Street, NW
Suite 700
Washington, DC 20005-3960

Thomas J. Keller
Michael S. Wroblewski
Verner, Liipfert, Bernhard, McPherson and Hand
901 15th Street, NW, Suite 700
Washington, DC 20005

John D. Lane
Robert M. Gurss
Wilkes, Artis, Hedrick and Lane
1666 K Street, NW
Washington, DC 20006
Counsel for Assoc. of Public Safety Communications
Officials-International, Inc.

John T. Scott, III
Crowell and Moring
1001 Pennsylvania Ave., NW
Washington, DC 20004
Counsel for Bell Atlantic

John M. Goodman
Bell Atlantic
1710 H Street, NW
Washington, DC 20006

William L. Roughton, Jr.
Bell Atlantic Personal Communications, Inc.
1310 N. Courthouse Road
Arlington, VA 22201

S. Mark Tuller
Bell Atlantic Mobile Systems, Inc.
180 Washington Valley Road
Bedminster, NJ 07921

William B. Barfield
Jim Llewellyn
BellSouth Corp.
1155 Peachtree Street, NE
Atlanta, GA 30367-6000

Charles P. Featherstun
David G. Richards
BellSouth Corp.
1133 21st Street, NW
Washington, DC 20036

Michael F. Altschul
Cellular Telecommunications Industry Assoc.
Two Lafayette Centre, Third Floor
1133 21st Street, NW
Washington, DC 20036

Philip L. Verveer
Sue Blumenfeld
Jennifer A. Donaldson
Willkie Farr and Gallagher
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20036
Counsel for Cellular Telecommunications Industry Assoc.

Frederick M. Joyce
Jill M. Lyon
Joyce and Jacobs
2300 M Street, NW, Suite 130
Washington, DC 20037

Counsel for Celpage, Inc., Network USA, Denton Enterprises,
Copeland Communications and Electronics, Inc., Nationwide
Paging

Randall B. Lowe
Mary E. Brennan
Jones, Day, Reavis and Pogue
1450 G. Street, NW
Washington, DC 20005

Counsel for CelCall Communications Corp.

Leonard J. Kennedy
Laura H. Phillips
Jonathan M. Levy
Dow, Lohnes & Albertson
1255 23rd Street, NW, Suite 500
Washington, DC 20037

Russell H. Fox
Gardner, Carton & Douglas
1301 K Street, NW
Suite 900, East Tower
Washington, DC 20005
Counsel for EF Johnson Co.

Michael Hirsch
Geotek Industries, Inc.
1200 19th Street, NW, Suite 607
Washington, DC 20036

Michael R. Carper
CenCall Communications Corp.
3200 Cherry Creek Drive South
Denver, CO 80110

W. Bruce Hanks
Century Cellunet, Inc.
100 Century Park Avenue
Monroe, LA 71203

Werner K. Hartenberger
Laura H. Phillips
Dow, Lohnes & Albertson
1255 23rd Street, NW, Suite 500
Washington, DC 20037

Kathy L. Shobert
General Communications, Inc.
888 16th Street, NW, Suite 600
Washington, DC 20006

David A. Reams
Grand Broadcasting Corp.
P.O. Box 502
Perrysburg, OH 43552

Gail L. Polivy
GTE Service Corp.
1850 M Street, NW
Suite 1200
Washington, DC 20036

Ashton R. Hardy
Bradford D. Carey
Marjorie R. Esman
Hardy & Carey, LLP
111 Veterans Boulevard
Suite 255
Metairie, LA 70005

Richard M. Tettelbaum
Gurman, Kurtis, Blask, & Freedman
1400 16th Street, NW, Suite 500
Washington, DC 20036
Counsel for Illinois Valley Cellular RSA 2 Partnerships

Frederick J. Day
1110 N. Glebe Road, Suite 500
Arlington, VA 22201-5720
Counsel for Industrial Telecommunications Assoc., Inc.

Rodney L. Joyce
Ginsburg, Feldman and Bress
1250 Connecticut Avenue, NW
Washington, DC 20036
Counsel for In-Flight Phone Corp.

William R. Gordon
In-Flight Phone Corp.
1146 19th Street, NW, Suite 200
Washington, DC 20036

David L Nace
Lukas, McGowan, Nace & Gutierrez, Chtd.
1819 H Street, NW, 7th Floor
Washington, DC 20006
Counsel for Liberty Cellular, Inc.

Shirley S. Fujimoto
Brian Turner Ashby
Keller and Heckman
1001 G Street, NW
Suite 500 West
Washington, DC 20001
Counsel for Lower Colorado River Authority

R. Gerard Salemme
Cathleen A. Massey
McCaw Cellular Communications, Inc.
1150 Connecticut Avenue, NW, 4th Floor
Washington, DC 20036

Howard J. Symons
Gregory A. Lewis
Kecia Boney
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo
701 Pennsylvania Ave., NW, Suite 900
Washington, DC 20004
Counsel for McCaw Cellular

Larry Blosser
Donald J. Elardo
MCI Telecommunications Corp.
1801 Pennsylvania Avenue NW
Washington, DC 20006

Henry M. Rivera
Larry S. Solomon
Jay S. Newman
Ginnsburg, Feldman & Bress
1250 Connecticut Avenue, NW
Washington, DC 20036
Counsel for Metricom, Inc.

Thomas Gutierrez
Lukas, McGowan, Nace & Gutierrez
1819 H Street, NW, Suite 700
Washington, DC 20006
Counsel for Mobile Telecommunication Technologies Corp.

Michael D. Kennedy
Mary Brooner
Motorola, Inc.
1350 I Street, NW
Washington, DC 20005

Russell H. Fox
Susan HR Jones
Gardner, Carton & Douglas
1301 K Street, NW
Suite 900, East Tower
Washington, DC 20005

David E. Weisman
Alan S. Tilles
Meyer, Faller, Weisman and Rosenberg, PC
4400 Jennifer Street, NW, Suite 380
Washington, DC 20015
Counsel for National Assoc. of Business and Educational
Radio

Joel H. Levy
Cohn and Marks
1333 New Hampshire Avenue, NW
Suite 600
Washington, DC 20036
Counsel for National Cellular Resellers Assoc.

David Cosson
L. Marie Guillory
National Telephone Cooperative Assoc.
2626 Pennsylvania Ave., NW
Washington, DC 20037

Thomas J. Casey
Simone Wu
Timothy R. Robinson
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, NW
Washington, DC 20005
Counsel for New Par

William J. Cowan
New York State Department of Public Service
Three Empire State Plaza
Albany, NY 12223

G. A. Gorman
North Pittsburgh Telephone Co.
4008 Gibsonia Road
Gibsonia, PA 15044-9311

Martin T. McCue
Linda Kent
United States Telephone Assoc.
1401 H Street, NW, Suite 600
Washington, DC 20005-2136

Brian D. Kidney
Pamela J. Riley
Kathleen Abernathy
Pactel Corporation
2999 Oak Road, MS 1050
Walnut Creek, CA 94569

Anne P. Jones
David A. Gross
Kenneth G. Starling
Sutherland, Asbill & Brennan
1275 Pennsylvania Avenue, N.W.
Washington, DC 20004
Counsel for Pactel

Mark A. Stachiw
Pactel Paging
Suite 800
12221 Merit Drive
Dallas, TX 75251

Carl W. Northrop
Bryan Cave
Suite 700
700 13th St., NW
Washington, DC 20005

Nextel Communications, Inc.
Robert S. Foosaner, Esq.
Lawrence R. Krevor, Esq.
601 13th St., NW
Suite 1110 South
Washington, DC 20005

NYNEX Corporation
Edward R. Wholl
Jacqueline E. Holmes Nethersole
Katherine S. Abrams
120 Bloomingdale road
White Plains, NY 10605
Counsel for NYNEX

James P. Tuthill
Betsy S. Granger
140 New Montgomery St., Rm 1525
San Francisco, California 94105
Counsel for Pacific and Nevada Bell

James L. Wurtz
1275 Pennsylvania Ave., NW
Washington, DC 20004
Counsel for Pacific and Nevada Bell

David L. Nace
Lukas, McGowan, Nace & Gutierrez, Chtd.
1819 H Street, NW, Seventh Floor
Washington, DC 20006
Counsel for Pacific Telecom Cellular, Inc.

Phillip L. Spector
Susan E. Ryan
Paul, Weiss, Rifkind, Wharton & Garrison
1615 L Street, NW
Suite 1300
Washington, DC 20036
Counsel for Pagemart, Inc.

Judith St. Ledger-Roty
Marla Spindel
Reed Smith Shaw & McClay
1200 18th Street, NW
Washington, DC 20036
Counsel for Paging Network, Inc.

Peter Arth, Jr
Edward w. O'Neill
Ellen S. Levine
505 Van Ness Avenue
San Francisco, CA 94102
Counsel for the People of the State
of CA and the Public Utilities
Commission of the State of CA

Personal Radio Steering Group Inc.
Corwin D. Moore, Jr.
P.O. Box 2851
Ann Arbor, Michigan 48106

David L. Nace
Marci E. Greenstein
Lukas, McGowan, Nace & gutierrez, Chtd.
1819 H Street, NW Seventh Floor
Washington, DC 20006
Counsel for Pioneer Telephone Cooperative, Inc.

Louis Gurman
Richard M. Tettelbaum Coleen M. Egan
Gurman, Kurtic, Blask & Freedman
1400 16th St, NW., 500
Washington, DC 20036
Counsel for PN Cellular, Inc. and its Affiliates

Albert H. Kramer
Robert F. Aldrich
David B. Jeppsen
Keck, Mahin & Cate
1201 New York Avenue, NW
Washington, DC 2005-3919
Counsel for PTC Cellular

Public Service Commission of
the Discript of Columbia
Daryl L. Avery
Peter G. Wolfe
450 Fifth Street, NW
Washington, DC 20001

Henry Goldberg
Joanthan L. Wienter
Daniel S. Goldberg
Goldberg, Godles, Wiener & Wright
1229 Neneteenth Street, NW
Washington, DC 20036
Counsel for RAM Mobile Data USA
Limited Partnership

Judith St. Ledger-Roty
J. Laurent Scharff
Matthew J. Harthun
Reed Smith Shaw & McClay
1200 18th Street, NW
Washington, DC 20036

C. Douglas Jarrett
Michael R. Bennet
Keller and Heckman
1001 G Street, NW
Suite 500 West
Washington, DC 20001
Counsel for RIG Telephones, Inc.

William J. Franklin
1919 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20006-3404
Counsel for Roamer One, Inc.

Michael J. Shortley, III
Rochester Telephone Corporation
180 South Clinton Avenue
Rochester, New York 14646

Rockwell International Corporation
Linda C. Sadler
1745 Jefferson Davis Highway
Arlington, VA 22202

Rural Cellular Association
David L. Jones
2120 L Street NW, Suite 810
Washington, DC 20037

Southwestern Bell Corporation
James D. Ellis
William J. Free
Paula J. Fulks
175 E. Houston, Rm. 1218
San Antonio, Tx 78205

Southwestern Bell Mobile Systems, Inc.
Wayne Watts
Linda M. Hood
17330 Preston Rd, Suite 100A
Dallas, Tx 75252

Telephone and Data Systems, Inc.
George Y. Wheeler
Koten & Naftalin
1150 Connecticut Avenue, NW
Suite 1000
Washington, DC 20036

The Telmarc Group, Inc., and
Telmarc Telecommunications, Inc.
Terrence P. McGarty
24 Woodbine Rd
Florham Park, NJ 07932

Telocator
Thomas A. Stroup
Mark Golden
1019 19th Street, NW
Suite 1100
Washington, DC 20036

Norman P. Leventhal
Raul R. Rodriguez
Stephen D. Baruch
Leventhal, Senter & Lerman
2000 K St., NW Suite 600
Washington, DC 20006-1809
Counsel for TRW Inc.

Jeffrey S. Bork
US West
1020 19th St., NW Suite 700
Washington, Dc 20036

Jeffrey L. Sheldon
Sean A. Stokes
Utilities Telecommunications Council
1140 Connecticut Ave., NW Suite 1140
Washington, DC 20036

Raymond G. Bender, Jr.
Michael D. Basile
Stemen F. Morris
Sow, Lohnes & Albertson
1255 Twenty-third St., NW Suite 500
Washington, DC 20037
Counsel for Vanguard Cellular Systems, Inc.

Stuart F. Feldstein
Robert J. Keller
Steven N. Teplitz
Fleischman and Walsh
1400 Sixteenth St., NW
Washington, DC 20036
Counsel for Time Warner Telecommunications

Martin W. Bercomici
Keller and Heckman
1001 G St., NW Suite 500 West
Washington, DC 20001
Counsel for Waterway Communications System, Inc.

Richard Metzger, Acting Chief*
Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 500
Washington, DC 20554

Greg Vogt, Chief*
Tariff Division
Federal Communications Commission
1919 M Street, NW, Room 518
Washington, DC 20554

ITS*
1919 M Street, NW, Room 246
Washington, DC 20554

Joel Ader*
Bellcore
2101 L Street, NW, 6th Floor
Washington, DC 20037

Jay C. Keithley
1850 M Street, N.W.
Suite 1100
Washington, D.C. 20036